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COMMISSION ON HUMAN RIGHTS

Sub-Commission on Prevention of
Discrimination and Protection
of Minorities
Working Group on Indigenous Populations
Twelfth session
25-29 July 1994
Item 5 of the provisional agenda

REVIEW OF DEVELOPMENTS PERTAINING TO THE PROMOTION AND PROTECTION OF HUMAN RIGHTS AND FUNDAMENTAL FREEDOMS OF INDIGENOUS POPULATIONS

Information received from indigenous peoples' and non-governmental organizations

GE.94-12876 (E)

Introduction

1. By its resolution 1982/34 of 7 May 1982, the Economic and Social Council authorized the Sub-Commission on Prevention of Discrimination and Protection of Minorities to establish annually a working group on indigenous populations to review developments pertaining to the promotion and protection of the human rights and fundamental freedoms of indigenous populations, including information requested by the Secretary-General annually, and to give special attention to the evolution of standards concerning the rights of indigenous populations.

2. The Sub-Commission, in its resolution 1993/46 of 26 August 1993, requested the Secretary-General to transmit the report of the Working Group to indigenous and non-governmental organizations. The Commission on Human Rights in its resolution 1994/29 of 4 March 1994 urged the Working Group to continue its comprehensive review of developments and of the situation and aspirations of indigenous people throughout the World. In accordance with these resolutions, appropriate communications were sent. The present document contains replies received as of 1 June 1994 from indigenous and non-governmental organizations concerned with the promotion and protection of the human rights and fundamental freedoms of indigenous populations. Further replies, if any, will be included in addenda to this document.

WORLD URANIUM HEARING

[Original: English]
[15 May 1994]

The World Uranium Hearing,

Having met at Salzburg, Austria, from 13 September to 18 September 1992;

Having heard testimony concerning the environmental, cultural, spiritual, physiological, and economic impact of the use of radioactive substances from all regions of the world; and having heard the results of related discussions following the World Uranium Hearing, in over 100 communities worldwide;

Convinced of the inherently destructive nature of all phases of the nuclear chain and that nuclear contamination is a threat to all peoples and environments irrespective of political boundaries;

Acutely aware that indigenous peoples have suffered particularly devastating consequences from the extraction and utilization of nuclear substances;

Reaffirming that the survival of indigenous peoples requires respect for their rights of self-determination and to territorial and environmental integrity;

Observing that the spiritual and cultural values of indigenous peoples in their relationship with the natural world offer a perspective capable of transforming prevailing destructive materialistic attitudes and practices;

Recalling the disastrous impact of nuclear weapons testing on indigenous and other land-based peoples in such places as Nevada, Bikini and Eniwetok, Tahiti, Maralinga, and Central Asia;

Deeply moved by the horror of Hiroshima and Nagasaki which marked the opening of the nuclear era;

Alarmed by the experience of Chernobyl and Three-Mile Island;

Convinced that there is no completely safe technology for the containment of radioactive substances;

Dismayed by distorted economic values and priorities, including inappropriate consumption patterns, which threaten a sustainable future;

Apprehensive of the fate of future generations confronted with the intractable consequences of nuclear development;

Determined to end the danger posed by the entire nuclear chain and to ensure an enduring harmonious relationship with the natural world;

Solemnly declares:

I. GENERAL PRINCIPLES

1. The natural world, in its richness and complexity, is the foundation of all life.

2. All peoples and individuals have the fundamental right to a safe and healthy environment and the corresponding duty to maintain the integrity of the natural world.

3. Each generation bears the obligation of effective stewardship for the benefit of future generations of all living beings.

II. THE PROCESS OF NUCLEAR DEVELOPMENT

Exploitation, mining and processing

4. The mining and processing of uranium and other radioactive minerals result in the contamination and degradation of large ecosystems.

5. Radioactivity and chemical pollutants contained in tailings are spread by the flow of ground and surface waters and by wind currents.

6. Inhabitants of affected areas risk immediate and lasting health and genetic consequences from exposure to radioactive substances. Miners are exposed to particularly intensified levels of radiation.

Military uses

7. Over time, nuclear weapons testing has produced atmospheric fallout, contamination of land and sea areas, forced removal of peoples, cultural disintegration, and a range of adverse health consequences, in particular cancer and threats to genetic inheritance.

8. The development of thermonuclear weapons involves the production of large quantities of fission products and plutonium, the most toxic substance known; plutonium persists in the environment for up to hundreds of thousands of years.

Nuclear power generation

9. Nuclear power facilities, whether civilian or military, produce emissions of radiation and inevitably pose serious and unacceptable risks, including transportation spills, theft of radioactive materials, accidents that spread contamination over vast regions, and the catastrophic effects of a reactor core meltdown.

10. No nuclear power plant has ever been safely and completely decommissioned. The ultimate environmental and economic costs of decommissioning remain incalculable.

Nuclear waste

11. No safe method for the disposal of medium and high-level nuclear wastes has been devised. Solutions offered can only provide for storage or dumping, which carry an ever-present risk of lethal contamination. The problem is simply thrust onto future generations.

12. The territories of indigenous peoples, impoverished developing countries, and the global commons are frequently targeted for storage or dumping of waste, thus compounding international injustice.

III. INDIGENOUS PEOPLES

13. Vast quantities of the world's uranium resources are located and extracted in the territories of indigenous peoples; these territories are often exploited for weapons testing and the storage or dumping of nuclear substances. In violation of their right to self-determination, indigenous peoples have been victimized by dispossession and forced removals, direct contamination, and the desecration of sacred sites.

14. The dispossession of peoples and the destruction of the natural ecology that result from the nuclear chain imperil the social cohesion and cultural, material, and spiritual relationship with the natural world upon which indigenous survival depends.

15. In order to defend themselves against the physical and cultural genocide that results from nuclear development, indigenous peoples must be able to freely exercise their right to determine and control, without external interference, all matters relating to their societies and territories.

IV. ECONOMIC POLICY

16. The monetary price of nuclear energy does not reflect the cost of damage to the biosphere and the profound risks to present and future generations.

17. Governments, communities, organizations, and individuals have a duty to ensure that energy is produced and used in a clean, safe, and efficient manner; the global ecology cannot support inappropriate energy consumption patterns.

18. The view that unlimited economic growth can be sustained on a habitable planet is fallacious and constitutes a significant threat to future generations.

19. Current international policies perpetuate unjust economic disparities which cause developing countries to adopt destructive environmental practices such as uranium mining, nuclear power generation, and the provision of dumping sites for radioactive waste. Sharing safe and efficient energy technologies is essential for equitable and environmentally sound economies in those countries.

20. The Precautionary Principle, as recognized by the international community, requires that the safety of potentially dangerous activities must be conclusively established prior to taking any measures towards their implementation. In the case of the nuclear chain, any reasonable application of the Precautionary Principle would require that uranium and other radioactive minerals remain undisturbed in their natural location.

V. RECOMMENDATIONS

The World Uranium Hearing calls upon Governments and, within their respective spheres of responsibility and competence, transnational and other corporations, organizations, communities and individuals,

1. To recognize and respect the inherent right to self-determination of indigenous peoples, including their right to determine and control, without external interference, the nuclear process as it affects their societies and territories,

2. To provide reparations for peoples, communities, and individuals victimized by the mining of radioactive minerals, the use of nuclear weapons, or the storage or dumping of nuclear waste. To make every conceivable effort to alleviate risks and damage caused by past and existing uses of radioactive materials,

3. To ensure that liability for social and environmental damage resulting from the nuclear chain is jointly born by those controlling all its phases,

4. The integrity of the natural world should be recognized juridically and be enforceable in its own right,

5. The lands of indigenous and other land-based peoples, contaminated by nuclear development must immediately be rehabilitated to as near as practicable to their precontaminate state,

6. To fundamentally alter existing economic and political policies and institutions to ensure ecological sustainability; energy development must shift to the use of safe and renewable resources,

7. To provide assistance, including financial resources where necessary, for the development of alternative energy programmes in countries which utilize nuclear power,

8. To ensure that any economic analyses of the nuclear chain fully account for the entire ecological and social impact of radioactivity,

9. To provide peoples, communities, and individuals with complete information about the dangers of radioactive substances in all phases of the nuclear chain,

10. The separation of plutonium from spent fuel, its transformation and use in breeder reactors, nuclear power plants, or nuclear weapons constitutes an unacceptable threat to humankind and the planet,

11. To support and promote community activities and resistance aimed at ending the use of radioactive substances,

12. To promote international and national standards, policies, and practices designed to ensure that:

(a) Radioactive minerals are no longer exploited; and

(b) Existing radioactive products of the nuclear chain are dealt with according to the safest available technology irrespective of monetary cost,

13. To immediately cease production and testing of nuclear weapons; the process of global nuclear disarmament must continue to completion. All nuclear facilities utilized for military purposes should immediately cease operation.

URANIUM AND OTHER RADIOACTIVE MINERALS
MUST REMAIN IN THEIR NATURAL LOCATION

ANDEAN INFORMATION NETWORK

[Original: English]
[1 March 1994]

1. Recently United States counter-narcotics strategies have been subject to growing international criticisms. The main points of dissatisfaction are that these policies have been ineffective in reducing drug trafficking; unfairly focused on drug supply in producing countries, rather than on drug demand in consuming countries; and overbiased towards law enforcement in its "supply side" efforts, while under-emphasizing measures which might address the "local" economic causes of drug production in producing countries. Economist Milton Friedman mentioned the negative impact of anti-drug strategies to be worse than the problems caused by the drugs themselves.

2. In Peru, the world's first coca-leaf producer, the economist and governmental adviser, Hernando de Soto, recommended his Government to turn towards other than repressive measures in resolving the trafficking problem in the main coca producing area, the Alto Huallaga valley, to prevent an increase in popular support of Shining Path guerrillas. Bolivia, second largest coca producer, is not affected by guerrilla movements, but its coca farmers foresee a rise in violence induced by interdictive measures towards the rural population in the coca growing areas, stemming from United States anti-drugs policies.

3. One of the main points of concern is the growing participation of repressive entities in the so-called "War on Drugs". Whereas programmes of alternative development have been proven to be insufficiently adapted to the farmers' socio-economical situation, and to be lacking the farmers' participation in design and planning, the interdictive measures originate from the assumption that coca growers are the first in the line of cocaine production, and should therefore be considered a key element in drug trafficking.

4. An example is the Bolivian Law 1008. Approved in July 1988 by the Bolivian Parliament, under strong United States and international pressure, this Law regulates coca and controlled substances. Human rights were never considered in the Law's formulation. When Law 1008 was approved, the Minister of Interior, Juan Carlos Durán, defended its passage by saying, "We put human rights on a balance scale to see if drug trafficking caused more harm to the country than adhering to an orthodox (legal) procedure. We broke the rules and tried to find an efficient mechanism that would really battle drug trafficking".

5. Law 1008, in contradiction to most constitutions, including the Bolivian, presumes guilt until innocence is proven. Rather than establishing criminal activity or intent, the anti-narcotics forces require a detainee to prove his/her innocence. This contributes to the poor standards of investigative work preceding arrests. The weight of the Law has never fallen on the big-scale drug traffickers. On the contrary, the extremely severe procedures and penalties affect, specifically, the poor. Gustavo Blacutt, lawyer and adviser to the Bolivian Congressional Commission on Drugs, found that 99.35 per cent of the inmates held under Law 1008 were indigent, and more

than 88 per cent used public defenders. The important drug traffickers are seldom caught, and if they are, they have the financial resources to pay off the anti-narcotics police before they are turned over to the courts.

6. The 1993 United States State Department's human rights report on Bolivia acknowledges accusations that the United States funded and trained Bolivian anti-narcotics police force UMOPAR, invaded privacy and illegally confiscated property, but dismissed allegations of more serious violations as "not substantiated". A document, recently distributed by the Andean Information Network, which presents 10 documented cases of gross human rights violations perpetrated by UMOPAR, indicates the incompleteness of the State Department's assessment of the human rights situation in the coca-growing regions.

7. The coca leaf has proven its value in a variety of scientific investigations. Some of them highlight the nutritional values, others reflect upon one of more applications as a natural medicine. A rather neglected application, although remarkable because of its results, is the use of integral coca products (concentrates of a controlled quantity of coca leaves) in therapies among drug addicts. Despite a growing number of scientific evidence which points to the necessity to revalue the coca leaf, the 1961 United Nations's decision to include the coca leaf in the list of stupefying drugs has, until now, not been reconsidered.

8. While the coca leaf has offered the most viable alternative for thousands of virtually destitute Andean denizens, few of the growers and small-scale transporters have become wealthy. The illegal status of the coca leaf aggravates the economic crisis of Andean countries. Many funds and efforts have unsuccessfully been spent in reducing coca-leaf production. At the same time a valuable resource which could be transformed into a number of important export products (such as medicines and herbal tea) is being disregarded. The international approval of the industrialization of legal coca products, in a controlled manner, would therefore be of great positive impact on the economic possibilities of the Andean peasant population as well as on the human rights situation in the Andean countries.

DUTCH CENTRE FOR INDIGENOUS PEOPLES

[Original: English]
[25 May 1994]

Congress "Voices of the Earth; Indigenous Peoples, new partners, the right to self-determination in practice"

Preamble

We, the indigenous peoples assembled at the Congress "Voices of the Earth; Indigenous Peoples, new partners, the right to self-determination in practice", hereby declare the results of our deliberations as an important contribution and milestone in our struggle for promotion, protection and recognition of our inherent rights.

We, the indigenous participants consider the outcome of our meeting as a continuation of ALL indigenous conferences during this important United Nations Year of the World's Indigenous People.

We, the indigenous peoples devote the results of our deliberations to our ancestors and our children in our common struggle for our right to determine our future.

We, the indigenous peoples express our deep gratitude to the moral and political support of those who have contributed to this Congress.

As we continue to walk to the future in the footprints of our ancestors, we spoke in Amsterdam on 10 and 11 November 1993.

Recommendations:

Political rights

1. The right of indigenous peoples to self-determination as stated in the Preamble of the Kari-Oca Declaration and Indigenous Peoples Earth Charter and in article 3 of the draft United Nations declaration on the rights of indigenous peoples must be fully recognized.

2. Indigenous peoples are clearly to be distinguished from minorities. Therefore, the protection of their rights cannot be adequately considered under article 27 of the International Covenant on Civil and Political Rights.

3. Procedures should be developed for indigenous peoples to bring conflicts with national government concerning political self-determination and other questions before an independent international body such as the International Court of Justice. The European Community, the Dutch Government and all other governments should take the initiative to work toward the establishment of those procedures.

4. Indigenous peoples should be provided with legal and technical assistance, at their request, to effectively defend their rights.

5. The European Community, the Dutch Government and all other governments should fully support the draft United Nations declaration on the rights of indigenous peoples (E/CN.4/Sub.2/1993/29) that will be up for adoption by the United Nations Working Group on Indigenous Populations at its 1994 session.

6. The European Community, the Dutch Government and all other governments should work towards facilitating open access and full participation for indigenous peoples in the entire process of debate concerning the adoption of the draft declaration and in all other forums discussing indigenous issues.

7. The European Community, the Dutch Government and all other governments should support the designation of an International Decade of Indigenous Peoples by the United Nations General Assembly. This Decade should start in 1995 with a preparatory year in 1994.

8. The European Community, the Dutch Government and all other governments should take the initiative for the implementation of the recommendation of the Vienna World Conference on Human Rights that a permanent forum be established in the United Nations for the rights of indigenous peoples, in cooperation with the representatives of indigenous peoples.

9. The European Community should also recognize the full right to self-determination of the indigenous peoples presently living on European Community territory (New Caledonia, French Polynesia and French Guyana).

Economic rights

The effective enjoyment of the economic rights of indigenous peoples depends on a recognition of their right to self-determination.

Territories:

1. Indigenous peoples's rights to their territories, meaning full ownership of their lands and natural resources above and below the earth and waters, must be fully recognized.

Control:

2. Indigenous peoples' rights to control the use of resources in their territories must be fully recognized.

Trade-offs:

3. These rights are non-negotiable and cannot be traded off in the name of development of the nation State or other sectors. However, indigenous peoples may choose to promote the use of their resources in ways that benefit others: they need to be assured that they enter such discussions from a position of power.

Private sector:

4. (i) The private sector must assume responsibility for its activities. A wider notion of profit should be a condition of investment practice, giving emphasis to the quality of life, not just the quantity of money.

(ii) NGOs monitoring transnational corporations should focus more on indigenous peoples and share information widely with them.

(iii) In developing codes of conduct companies must engage in dialogue with indigenous peoples and create mechanisms that allow public scrutiny of their adherence to these codes.

(iv) An organization parallel to the International Centre for the Settlement of Investment Disputes must be established to resolve conflicts between transnational corporations and indigenous peoples.

Role of the State:

5. States should provide adequate assistance to indigenous peoples to enable them to develop their own economic base and power. Control over this process must be vested with the indigenous peoples concerned to avoid the creation of dependency.

Environment:

6. Bearing in mind the two major international human rights covenants of December 1966, according to [common article 1 of which in no case may a people] be deprived of its own means of subsistence,

Conscious that the 1992 Rio Summit recognized the valuable role of indigenous peoples in maintaining a sustainable use of natural resources, and underlined in principle 22, the pressing need for indigenous peoples' active participation in environmental management,

Acknowledging the Brundtland Commission report's recommendation of 1987 about the empowerment of vulnerable groups,

Aware that the World Conservation Strategy of 1991, "Caring for the Earth", supports a special role for indigenous peoples in global efforts for a sound environment,

Mindful that the World Conservation Union (IUCN) at its eighteenth General Assembly unanimously adopted two resolutions supporting the indigenous peoples' cause, including their right to use nature's resources wisely,

Conscious of the Biodiversity Convention and ILO Convention No. 169, both of which lend support to indigenous peoples and their role in sustainable development,

Pointing to the fact that as a general rule, ecosystems that appear as the most sound, are also those which are under indigenous control,

Now, therefore, the "Voices of the Earth" Congress, assembled in Amsterdam, calls on governments:

(i) to heed the concerns of indigenous peoples worldwide,

(ii) to give effect in their respective national policies to the above-cited international instruments to which they have given their assent,

(iii) to properly protect the market access for indigenous peoples' products derived from a sustainable and wise use of nature, and

(iv) to give financial support to the United Nations International Decade of the World's Indigenous People.

International legislation:

7. States should recognize the draft declaration on the rights of indigenous peoples as presently drafted. It was suggested that an ombudsman be nominated to oversee the adherence of States to this declaration. An independent tribunal might also review adherence to the declaration.

Demilitarization:

8. There should be a demilitarization of indigenous territories, including cessation of nuclear testing on indigenous territories. In this respect it is the special responsibility of the Dutch Government to immediately stop the low-level flying activities of the Royal Dutch Air Force above the territories of the Innu people in Canada. Compulsory military service for indigenous people must be abolished.

Dutch Government's responsibilities:

9. In addition to observing the above recommendations, the Dutch Government is urged to press for an enhanced allocation to indigenous peoples of the resources of the United Nations agencies and other multilateral bodies.

Cultural, scientific and intellectual property

1. All relevant agencies and programmes of the Dutch Government, European Community and the United Nations (e.g. World Bank, WIPO, UPOV, UNCTAD, UNEP, UNDP, Centre for Human Rights, ILO, GATT, etc.) should develop a common policy, based on dialogue with and consent of indigenous peoples, on how protection of and compensation for indigenous intellectual, scientific and cultural property can be established and effected.

2. A "Council on Indigenous Intellectual, Cultural and Scientific Property Rights", composed of indigenous people, should be established, funded and given special international status in order to: (a) develop educational materials on intellectual, cultural and scientific property rights;

(b) develop mechanisms for protection and compensation; (c) advise indigenous and traditional communities on legal and political actions; (d) monitor unethical activities by individuals, institutions and governments that are misusing intellectual, scientific and cultural property; (e) develop mechanisms for enforcement of rules, regulations and laws for protection and compensation, including legal advice and counsel; and (f) establish a network to exchange information about successful and unsuccessful attempts by local communities to secure their rights.

3. Governmental and non-governmental organizations, as well as scientific and professional groups, should develop Codes of Ethics and Conduct regarding respect for indigenous peoples and their intellectual, cultural and scientific property. Funding agencies should require that effective measures for protection and compensation for intellectual, cultural and scientific property be an integral part of all projects and such measures be a requirement for funding.

4. Rights of indigenous peoples to their traditional properties supersede the rights of anyone, including the rights of museums to possess these properties. No international or national agencies may infringe on the right of indigenous peoples to refuse to share their intellectual, cultural and scientific properties. Museums all over the world should cooperate fully with indigenous peoples to reidentify their cultural heritage and recognize their right to repossess it.

5. All governments, international institutions, non-governmental organizations and indigenous peoples are called upon to establish the "University of the Earth" which shall incorporate the values and the knowledge of both indigenous and non-indigenous peoples. This university need not have a specific location but would take the form of a global network of journalists, farmers, foresters, engineers, shaman, hunters, scientists, artists and others who will exchange information through journals, television, films, videos, conferences and other forms of mass-media. The mission of this "University of the Earth" will be to enhance all peoples' respect for and knowledge of the Earth. The European Community and the Dutch Government are called upon to strengthen indigenous peoples' newspapers and other forms of information dissemination.

Right to self-development

1. Effective enjoyment of indigenous peoples' right to self-development depends on the recognition of the right of indigenous peoples to self-determination.

2. International institutions and funding agencies should adopt their requirements, structures and policies to the cultures, needs and aspirations of indigenous peoples.

3. Indigenous peoples must have full control over the planning, implementation, monitoring, evaluation and follow-up of projects affecting them.

4. Indigenous peoples' knowledge and culture should be fully taken into consideration before entering into development relations with indigenous peoples.

5. Results of studies, carried out with the full participation of indigenous peoples, concerning the impacts of development projects on indigenous peoples should be carefully taken into account before implementing a proposed project.

6. The European Community, the Dutch Government and all other governments should respect the indigenous peoples' social and political organizations, and assist them to give these institutions an impulse by institution building for the sake of sustainable, "grass-roots" development.

7. A code of conduct for international institutions such as the World Bank, the IMF, the EC Development Fund and UNDP must be established in collaboration with indigenous peoples to ensure that funding for development activities does not infringe on the territorial and environmental integrity of indigenous peoples.

8. The European Community, the Dutch Government and all other governments should take into consideration the actual situation of indigenous peoples in developed countries. Indigenous peoples in developed countries should not be overlooked or discriminated against by funding institutions because they may be in circumstances similar to those in developing countries.

9. The European Community, the Dutch Government and all other governments, international institutions and funding agencies should take into consideration the specific interests of indigenous women and children in planning and implementation of development projects.

10 and 11 November 1993
Amsterdam, The Netherlands

AMERINDIA FOR THE RIGHTS OF THE INDIGENOUS PEOPLES

[Original: Spanish]
[16 February 1994]

THE RIGHTS OF THE INDIAN PEOPLES IN ARGENTINA, IN RELATION TO THE ENVIRONMENT

1. In the Argentine Republic our situation as Indian peoples has been marked by continuous violation of our most fundamental rights. The mass slaughter of earlier days perpetrated by landowners and military expeditions was succeeded by a colonialist policy which maintained slavery and by political and cultural paternalism paradoxically based on denial of our existence and even our status as peoples. Of the 14 surviving Indian groups, some like the Mapuches have been pushed out to the most inhospitable areas; the forest dwellers such as the Guarani, the Toba, the Wichi, etc. have seen their traditional lands devastated by the indiscriminate felling of forests, the exhaustion of the land by intensive plantations and crop growing and the elimination of the fauna and flora. The food supply is gone and it is increasingly difficult to find our medicinal herbs.

2. With the advent of democracy we are beginning to obtain recognition of our existence and our rights as distinctive peoples within the national community. The Indigenous Policy Act No. 23.302/89 and various ad hoc provincial laws have been passed. But after years of protests the National Indian Institute envisaged by the law has still not been organized and there is not the slightest sign of the law being enforced. As a result we have not obtained titles of ownership to our own lands.

3. Although ILO Convention No. 169 on indigenous peoples has been ratified by the National Congress under Law 24.047 of 4 April 1983, the Government of Carlos Menem refuses to present the instruments of ratification to the ILO, this in order to prevent us from using international law to back our claims. Trickery and deceit are the justicialist administration's only responses to our urgent needs.

Employment rights

4. We Indian peoples suffer from blatant discrimination and lack of protection in employment. Members of the communities are still relegated to marginal employment, such as temporary work in mining, and migratory work such as the sugar harvest, the extraction of minerals, road works, herding flocks and so on.

5. Cruel exploitation of the whole family including child labour and illegal employment from infancy up is made worse by the fact that in the shanty towns, companies do not provide proper sanitary facilities or living quarters. In addition, in these areas the Indians have never obtained the protection of the labour and social security laws, nor the protection of trade unions.

6. The usurpation of our traditional lands or dwelling places by companies which are destroying the environment, coupled with growing unemployment, forces us to migrate, as individuals or in groups, to urban centres where

there may be better prospects of survival. But we always live in the grip of poverty in slums in which the disorder and absolute lack of facilities - decent housing, health facilities, open spaces and schools that are interested in our cultural needs - deepen our pain of exile and difficulties of adjustment.

Right to health

7. The absence of basic sanitary facilities which afflicts broad sectors of the population is accentuated in the regions to which we, the indigenous peoples, have been relegated. In addition to the absence of decent housing, sewage systems and electricity, there is a lack of drinking water. There are communities where the only source of water is cholera contaminated rivers. Some receive water from the authorities but often days go by without a drop other than what they can collect if it rains. Others have access to a pipe which comes from many miles away and which may provide a trickle of water heated to boiling point by the sun ... if a tap has not been turned on somewhere else.

8. We live in a state of exhaustion, because of hunger, sickness and despair. Chaga's disease, an endemic disease that makes sufferers unfit for work, has spread and is transmitted from mother to child. Finally it kills the victim. Traditional dwellings are a deadly trap. Cholera has established itself in our settlements, where the death toll is higher than anywhere else in the country. The only protective measure proposed by the Government is two drops of bleach in water, which in most cases is not available.

9. Some communities have an indigenous health worker but everything needed to provide even minimum care of our brothers is lacking.

10. Hospitals are miles away and generally refuse to give us proper attention. In Embarcación-Salta, North of Salta, an elderly worker who had walked many miles back from work under a 45° sun was taken miles by his family to hospital with sun stroke. They did not want to keep him in hospital to treat his dehydration which had been aggravated by age, fatigue and malnutrition. He had to travel miles back to his home and died there the same night.

11. Another aspect of the violations of our human rights, our identity and our psychological integrity are the kidnapping, seizure and illegal adoption of many Indian children, on the grounds of poverty, lack of care and so on. Complaints and protests have been made to the legal authorities but no response has been received from them and the kidnapping of our children continues. The indifference of the Argentine legal authorities to the kidnapping of children has a tragic parallel in the fate of the children of those who disappeared under the late dictatorship.

12. A case involving repression, insecurity and discrimination occurred a few days ago to a young man in Santiago del Estero. Of Indian extraction and a recent arrival in greater Buenos Aires where he was looking for relatives, he went into a police station to ask for information about an address. He was kept in the police station and tortured by the police for six days before he

was found. When this outrage was discovered the police tried to have him declared insane to hush up their crime. His is now in a hospital under judicial ... and police custody.

Right to a healthy environment

13. We have mentioned the destruction of the environment which threatens the population generally. In the particular case of the Indian peoples this affects our lives more directly. It destroys our community life and cuts us off from traditional employment and sources of sustenance. Although we belong to human groups that are deeply attached to a natural habitat and keenly aware of the need to defend it both to ensure survival and for philosophical reasons, the State does not allow us to make use of our ideas and experience in the preservation of the environment. In rejecting us as human beings, they also reject everything we could contribute to Argentine society as it faces ecological crisis. Our migrations are also related to this matter, as in the case of the Chaco, where the land cannot continue to absorb the floodwater and where marshes are forming and cultivation is impossible. This is the case in Pilcanilleu del Limay, where flooding has devastated our homeland and our sacred places in which our ancestors lie. These are tragic ways in which the social environment of each community and the authorities discriminate against us and permanently marginalize us.